

**THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA | : | NO. 1:15-CR-0283 |
| Respondent | : | |
| | : | |
| v. | : | JUDGE RAMBO |
| | : | |
| CURTIS WALDRON, | : | MAGISTRATE JUDGE CARLSON |
| Petitioner | : | |

**MOTION TO WITHDRAW AND TERMINATE PETITIONER'S
SECTION 2255 PETITION**

AND NOW, this 11th day of February, 2021, comes Petitioner Curtis Waldron, by and through his court appointed counsel Dean E. Reynosa, Esquire, and hereby states as follows:

1. On December 2, 2015, Petitioner was indicted with Count (1) unlawfully possessing with the intent to distribute heroin, at least 500 grams of cocaine hydrochloride, and at least 280 grams of cocaine base between January 1, 2015 through October 1, 2015; and Count (2) unlawful distribution of heroin, marijuana, and cocaine hydrochloride on October 2, 2015. **See Document 1.**
2. On September 12, 2016, Petitioner pled guilty to Count 2 of the indictment. **See Document 38.**
3. On March 30, 2017, Petitioner appeared before the Honorable Sylvia H. Rambo for sentencing and was sentenced to a term of incarceration of 151 months. **See Document 57.**
4. In determining Petitioner's sentence, Judge Rambo declared that the Petitioner was a career offender. **See Document 64 at pg. 21.**

5. Petitioner was represented by Attorney Elisabeth K.H. Pasqualini at the time of the guilty plea proceeding and through sentencing.

6. Petitioner pursued a direct appeal following which his sentence was affirmed by the Third Circuit Court of Appeals by opinion and order issued on August 28, 2018. **See Document 67.**

7. After several extensions of time to file had been granted, Petitioner filed a *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (hereinafter “Section 2255 Petition”). **See Document 77.**

8. Petitioner raised claims of ineffective assistance of counsel related to the plea discussions and investigation of the case.

9. A counseled Section 2255 Petition was filed on Petitioner’s behalf on January 18, 2021, raising claims of ineffective assistance of counsel. **See Document 103.**

10. There is presently a hearing scheduled for February 25, 2021, before the Honorable Martin C. Carlson to address the ineffective assistance of counsel claims raised in the *pro se* Section 2255 Petition and the counseled Petition.

11. After having the opportunity on several occasions to discuss with counsel the issues raised in both the *pro se* petition and the counseled petition, Petitioner wishes to withdraw the Section 2255 Petition.

12. Petitioner has signed a statement stating his desire to withdraw his 2255 Petition. **See Exhibit A.**¹

13. Petitioner has been advised that should the Court permit the withdrawal of the Section 2255 Petition, he will be forever barred from pursuing any claims related to his conviction and sentence and the representation provided by Attorney Elisabeth K.H. Pasqualini. **Id.**

14. Petitioner acknowledged that he understood that should the Court permit this withdrawal of his Section 2255 Petition, his case would be closed and he would be required to serve the entirety of the sentence imposed by Judge Sylvia H. Rambo. **Id.**

15. It is respectfully requested that this Honorable Court permit Petitioner to withdraw his *pro se* and counseled Section 2255 Petition and permit him to return to his institution to serve the balance of his sentence.

16. If the Court grants this Motion to Withdraw the 2255 Petition, it is further requested that the Court direct that the hearing scheduled for February 25, 2021, be cancelled.

¹ In effort to expedite the filing of this motion considering that the hearing date is approaching, counsel has attached a facsimile copy of the Petitioner's Statement as an exhibit. Counsel is awaiting the original signed statement to arrive in the mail. Counsel has spoken with Petitioner by telephone and believes that the signed statement memorializes Petitioner's intent to withdraw and terminate his Section 2255 Petition.

Wherefore, based upon the foregoing, it is respectfully requested that this Honorable Court grant Petitioner's Motion to Withdraw the 2255 Petition and cancel the hearing.

Respectfully Submitted,

GRIEST, HIMES, HERROLD, REYNOSA, LLP

By: /s/Dean E. Reynosa

Dean E. Reynosa, Esquire

Sup. Ct. ID No. 80440

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CERTIFICATE OF CONCURRENCE

I, Dean E. Reynosa, Esquire, hereby certify that on February 11, 2021, I exchanged messages with Assistant United States Attorney William A. Behe and he did not oppose the granting of the foregoing ***Unopposed Motion to Withdraw and Terminate Petitioner's Section 2255 Petition.***

Respectfully Submitted,

GRIEST, HIMES, HERROLD, REYNOSA, LLP

By: _____ /s/Dean E. Reynosa
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of February, 2021, I caused the foregoing document to be filed *via* ECF and that Assistant United States Attorney William A. Behe is a filing user under the ECF system. Upon the electronic filing of a pleading or other document, the ECF system will automatically generate and send a Notice of Filing to all filing users associated with this case. Electronic Service by the Court of the Notice of Electronic Filing constitutes service of the filed documents and no additional service upon the filing user is required.

Respectfully Submitted,

GRIEST, HIMES, HERROLD, REYNOSA, LLP

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